IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 12TH SEPTEMBER, 2007 / 21ST BHADRA, 1929

WP(C).No. 2140 of 2007(D)

PETITIONERS:

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1. V.K.ANTONY,
   ADMINISTRATIVE ASSISTANT (RTD.),
   ST.THOMAS COLLEGE, PALA, RESIDING AT
   VALAYATHIL, MUTHOLY P.O., PALA.

2. M.A.DOMINIC JUNIOR SUPDT. (RTD.),
   ST.THOMAS COLLEGE, PALA.

3. A.K.JOHN,
   ADMINISTRATIVE ASSISTANT (RTD.),
   ST.THOMAS COLLEGE, PALA, RESIDING AT
   AVIMOOTTIL HOUSE, MUNDANCKAL P.O., PALA.

BY ADV. SRI.BABU VARGHESE

RESPONDENTS:

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1. THE MANAGER,
   ST. THOMAS COLLEGE, PALA.

2. THE MAHATMA GANDHI UNIVERSITY,
   REPRESENTED BY ITS REGISTRAR,
   PRIYADARSHINI HILLS P.O., KOTTAYAM.

3. THE STATE OF KERALA, REPRESENTED BY
   ITS PRINCIPAL SECRETARY TO GOVERNMENT,
   DEPARTMENT OF HIGHER EDUCATION,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

4. THE DIRECTOR OF COLLEGIATE EDUCATION,
   VIKAS BHAVAN, P.M.G.JUNCTION,
   TRIVANDRUM.

5. THE DEPUTY DIRECTOR OF COLLEGIATE
   EDUCATION, KOTTAYAM.

BY ADV. SRI.GEORGEKUTTY MATHEW
SRI. T.A. SHAJI, SC, M.G.UNIVERSITY
SRI.V.A.MOHAMMED.
BY GOVERNMENT PLEADER SMT.M.R.SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.2140 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of order dtd.1.2.2002.

Ext.P2: Copy of order issued by the Manager dtd.1.2.2002.

Ext.P3: Copy of order issued by the Manager dtd.1.2.2002.

Ext.P3(a): Copy of the order issued by the Manager dtd.1.6.2002.

Ext.P3(b): Copy of the order issued by the Manager dtd.1.4.2003.

Ext.P4: Copy of the order issued by R3 dtd.20.5.1991.

Ext.P5: Copies of the proposal.

Ext.P6: Copies of the proposal.

Ext.P7: Copies of the proposal dtd.1.8.2005.

Ext.P7(a): Copy of the proposal dtd.1.8.2005.

Ext.P7(b): Copy of the proposal dtd.1.8.2005.

Ext.P8: Copy of the letter sent by R3 dtd.22.9.06.

Ext.P8(a): Copy of the letter sent by R3 dtd.6.11.2006.

Ext.P9: Copy of order dtd.20.1.2006. Issued by R3.

Ext.P10: Copy of Judgment in WP(C) No.4160 of 2005.

Ext.P11: Copy of Circular dtd.5.12.2001 issued by R3.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

W.P (C) NO. 2140 OF 2007 - D

Dated this the 12th day of September, 2007

J U D G M E N T

The petitioners were originally non-teaching staff of the first respondent's college. Subsequently, they were promoted to higher posts. However, such promotions have not been approved and their salaries in the promoted posts have not been disbursed on the ground that there was a ban on such promotions due to delinking of pre-degree courses under the Pre-degree Course (Abolition) Act, 1997 for three years with effect from 3.6.1997. The contention of the petitioners is that the ban ended on 2.6.2000 and the promotions of the petitioners were effected subsequently and therefore, the reason given for non-approval is not sustainable. The petitioners also rely on a judgment of this Court in O.P.No.21268 of 2002 as also the Division Bench decision reported in **Manager, Pazhassiraja College** v. **University of Calicut** (2007(3) KLT 776).

2. The learned Government Pleader could not dispute that the promotions were effected subsequent to 2.6.2000. That being so, the objection raised against approval of the petitioners' promotions is not sustainable.

3. In the above circumstances, the writ petition is allowed and the fourth respondent is directed to approve promotions of the petitioners and to disburse their salaries if otherwise they are entitled to such promotions. Orders in this regard shall be passed within a period of two months from the date of receipt of a copy of this judgment.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED: 07-09-2007